

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 13 and 15 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier.

After amending the claims as set forth above, claims 13-36 and 56 are now pending in this application. Claim 56 is presently withdrawn from consideration.

**Independent Claim 56**

On page 2 of the office Action, the Examiner withdrew claim 56 from consideration. The Examiner stated that:

Newly submitted claim 56 [is] directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the different inventions are not disclosed as capable of use together and they have different effects and modes of operation and there would be a serious search burden if restriction were not required . . .

Office Action at p. 2.

Applicants respectfully disagree, and submit that claim 56 is not directed to an invention that is independent or distinct from the presently elected Group II (claims 13-36). In particular, independent claim 56 incorporates limitations substantially identical to the limitations presented in claim 16 (part of Group II), in addition to other limitations. Applicants submit that claim 56 is properly part of Group II, and request that claim 56 be examined with the other claims of Group II.

**Information Disclosure Statement Filed 12-14-2007**

On page 3 of the Office Action, the Examiner stated that

The information disclosure statement filed 12/14/2007 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the concise information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Applicants have reviewed the Information Disclosure Statement (IDS) filed 12-14-2007, and have attached hereto the English-language abstracts for four of the five foreign language patent documents submitted in the IDS. Applicants point out that these abstracts were submitted with the originally-filed IDS, and have been printed from the USPTO PAIR system. The remaining foreign language document (Japanese patent document 4-182868) not provided as part of the IDS submission has been resubmitted in a newly-filed IDS, including a copy of the English-language abstract. Applicants thank the Examiner for pointing out this oversight.

Applicants submit that according to the rules of the USPTO, the Examiner should consider the references contained in the previously filed IDS that are in compliance with 37 C.F.R. 1.97, 1.98:

If an item of information in an IDS fails to comply with all the requirements of 37 CFR 1.97 and 37 CFR 1.98, that item of information in the IDS will not be considered and a line should be drawn through the citation to show that it has not been considered. *However, other items of information that do comply with all the requirements of 37 CFR 1.97 and 37 CFR 1.98 will be considered by the examiner.*

MPEP § 609.05(a).

Accordingly, Applicants submit that, except for Japanese patent document 4-182868, the IDS filed on 12-14-2007 was in compliance with the requirements of 37 C.F.R. 1.98, and Applicants respectfully request that the Examiner consider the references cited therein and provide an initialed copy of the SB-08 form to Applicants. Japanese patent document 4-182868 has been resubmitted in accordance with 37 C.F.R. 1.97, 1.98 by way of the IDS filed herewith.

**Claim Rejections – 35 U.S.C. § 101**

On page 3 of the Office Action, claims 13-36 were rejected as being directed to non-statutory subject matter.

With respect to independent claim 13, Applicants point out that claim 13 recites in part “storing the loan application data *in a database*,” and is therefore properly tied to another statutory class in accordance with 35 U.S.C. § 101.

With respect to independent claim 16, Applicants point out that claim 16 recites in part “*a data storage system . . . configured to store the mortgage loan application data*,” that defines in part the structural components of the system of claim 16 in accordance with 35 U.S.C. § 101.

Accordingly, withdrawal of the rejections of independent claims 13 and 36, and corresponding dependent claims 14-15 and 17-36, is respectfully requested.

**Claim Rejections – Double Patenting**

On page 5 of the Office Action, the Examiner stated that

Claims 13-36 of this application conflict with claims 1-55 of Application 10/736400, claims 10, 14, 16-30, 33-39, and 42 of Application No. 10/736291, and claims 31-42 [and] 56-59 of US Application No. 10/736478, and claim[s] 1-30 of US Application No. 10/736484, and claims 20-37 of Application No. 11/491000.

On page 6 of the Office Action, claims 13-36 were provisionally rejected on the ground of non-statutory double patenting over claims 10, 14, 16-30, 33-39, and 42 of co-pending Application No. 10/736291.

On page 7 of the Office Action, Claims 13-36 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-55 of Application No. 10/736,400, claims 10, 14, 16-30, 33-39, and 42 of Application No. 10/736,291, claims 31-42 and 56-59 of Application No. 10/736,478, claims 1-30 of Application No. 10/736,484, and claims 20-37 of Application No. 11/491,000.

Applicants respectfully request that these rejections be held in abeyance until an indication of allowable subject matter is provided by the Examiner.

**Claim Rejections – 35 U.S.C. § 102(b)**

On page 7 of the Office Action, claims 13-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tealdi (U.S. Patent Appl. Publ. No. 2001/0029482). This rejection should be withdrawn for at least those reasons presented below.

Independent claim 13 recites a combination including, among other limitations,

receiving mortgage loan application data for a plurality of mortgage loan applications using each of a consumer-direct interface, a call center interface, and an advisor interface;

storing the loan application data in a database; [and]

*providing the consumer-direct interface, the call center interface, and the advisor interface with common access to the database, such that loan application data for any particular one of the plurality of mortgage loan applications is susceptible to be viewed and edited by way of any of the consumer-direct interface, the call center interface, and the advisor interface.*

Tealdi does not disclose these features. The Examiner indicated in the Office Action that

The recitations ‘consumer direct,’ ‘advisor’ and ‘call center’ have not been given patentable weight because they do not serve to alter the recited structural elements of the claimed system. The structural elements remain the same regardless of the data being received or accessed within the system.

Office Action at p.9.

Applicants first point out that certain structural features of the various interfaces are recited in claim 13. For example, claim 13 recites that the “consumer direct interface” is “a first web-based interface accessible to consumers associated with different lenders by way of the Internet,” the “advisor interface” is “a second web-based interface accessible to advisors associated with the different lenders by way of a network,” and the “call center interface” is “a third web-based interface accessible to users at call centers associated with different lenders by way of a network.” Accordingly, the various interfaces are defined in part by these limitations, which Applicants submit should be afforded patentable weight.

In rejecting the claims, the Examiner indicated that Tealdi discloses “an interface” that is “configured to receive mortgage loan application data, the interface being configured to permit access to mortgage loan application data for a mortgage loan application associated with the respective consumer (¶¶ 0155 and 0093, Figs. 5 and 14).” However, this does not amount to a disclosure of the subject matter of claim 13, which involves providing a consumer-direct interface, a call center interface, and an advisor interface (as defined in claim 13) with common access to a database, such that loan application data for any particular one of a plurality of mortgage loan applications may be viewed and edited by way of any of the consumer-direct interface, the call center interface, and the advisor interface.

The portions of Tealdi relied on by the Examiner may disclose that one or more lender devices 502, 503, one or more client devices 504, 505, and one or more service provider devices 506, 507, may be “in communication with” a communication server 501, (see Tealdi, ¶ [0093]), and that communication server 501 may receive a loan application, pre-approval, and a list of conditions from lender devices 502-503 (see Tealdi, ¶ [0155]), but Tealdi does not appear to

disclose a consumer-direct interface, a call center interface, and an advisor interface with common access (e.g., such that data may be viewed and edited) to a database of loan application data, as in claim 13.

Accordingly, independent claim 13 is believed to be patentable over Tealdi. Withdrawal of the rejection of independent claim 13, and corresponding dependent claims 14-15, is respectfully requested.

Independent claim 13 has been amended to further recite:

receiving lender-specific underwriting guidelines from individual ones of a plurality of lenders;

generating underwriting determinations for each of the mortgage loan applications based on the loan application data for each of the mortgage loans and the lender-specific underwriting guidelines; and

updating retail pricing parameters for at least one of the mortgage loans responsive to inputs received from the plurality of lenders;

Tealdi does not appear to disclose these features. Certain of these limitations are similar to those presented in the various dependent claims. However, the Examiner has cited to no portions of Tealdi that disclose these features. Accordingly, claim 13 is believed to be further patentable over Tealdi.

Independent claim 16 recites a combination including, among other limitations,

wherein the mortgage loan application data stored in the data storage system is commonly accessible to the consumer-direct interface, the advisor interface, and the call center interface.

Independent claim 16 is believed to be patentable for at least the same reasons that claim 13 is patentable. Accordingly, withdrawal of the rejection of independent claim 16, and corresponding dependent claims 17-36, is respectfully requested.

With respect to the various dependent claims, the Examiner did not refer to any specific portions of Tealdi in rejecting the claims, but stated only that

Regarding Claims 14-15 and 17-36, such claims recite similar limitations as claimed in previously rejected claims, are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Office Action at p. 9.

Applicants submit that dependent claims 14-15 and 17-36 recite further patentable features beyond those recited in independent claims 13 and 16 that are not disclosed by Tealdi. If the rejection of claims 14-15 and 17-36 is maintained, clarification of the Examiner's position is respectfully requested.

\* \* \*

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date       /10-01-2008/      

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